

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

v.

DAVID SIDOO et al.,

Defendants.

Case No. 19-cr-10080-NMG

**DEFENDANTS' MOTION TO DISMISS COUNT ONE INsofar AS IT ALLEGES
CONSPIRACY TO DEFRAUD UNIVERSITIES OF PROPERTY**

Pursuant to Federal Rule of Criminal Procedure 12(b)(3)(B) and Local Rule 7.1, and for the reasons explained in the memorandum of law filed herewith, Defendants move this Court to dismiss Count One of the Fourth Superseding Indictment, ¶¶ 369-70, ECF No. 732, insofar as it alleges Defendants conspired to obtain “property” in violation of the mail and wire fraud statutes. 18 U.S.C. §§ 1341, 1343, 1349.

REQUEST FOR ORAL ARGUMENT

To assist the Court in resolving this motion, Defendants respectfully request to be heard at oral argument on this motion pursuant to Local Rule 7.1(d).

Dated: April 1, 2020

Respectfully submitted,

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LOCAL RULE 7.1(a)(2) CERTIFICATION

Undersigned counsel certifies that, on March 31, 2020, he conferred with counsel for the Government in an attempt to resolve or narrow the issues raised in this motion. The Government opposes this motion.

/s/ William J. Trach
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CERTIFICATE OF SERVICE

I certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those identified as non-registered participants.

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